

Final Solid Waste Management Facility Permit Application Action Fees  
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CHAPTER 90. SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION ACTION FEES.  
**9 VAC 20-90-10. Definitions.**

*Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia defines words and terms that supplement those in this chapter. The Virginia Solid Waste Management Regulations, 9 VAC 20-80, and the Virginia Regulated Medical Waste Management Regulations, 9 VAC 20-120, define additional words and terms that supplement those in the statute and this chapter. When the statute, as cited, and the solid waste management regulations, as cited, define a word or term differently, the definition of the statute is controlling. The following words and terms, when used in this chapter shall have the following meaning, meanings unless the context clearly indicates otherwise:*

~~"Act" or "regulations" means the Virginia Waste Management Act or regulation last cited in the context unless otherwise indicated.~~

~~"Applicant" means for the purposes of this chapter any and all persons seeking or holding a permit to manage solid or infectious waste.~~

~~"Board" means the Virginia Waste Management Board.~~

~~"Certification" means, for the purposes of this regulation, a statement from the governing body of the county, city or town in which the facility is to be located that the location and operation of the facility are consistent with all applicable ordinances.~~

~~"Closure" means the act of securing a waste management facility pursuant to the requirements of applicable regulations.~~

~~"Closure plan" means the plan for closure prepared in accordance with the requirements of applicable regulations.~~

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~~"Compost" means a stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored, or applied to the land without adversely affecting public health or the environment. Composted sludge shall be as defined by the Virginia Sewerage Regulations.~~

~~"Compost facility" means, for the purpose of this chapter, a facility that produces compost.~~

~~"Construction/demolition/debris landfill" means a land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris waste, inert waste, or combinations of the above solid wastes.~~

~~"Construction waste" means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semiliquids and garbage are not construction wastes.~~

~~"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in the event of a fire, explosion, or release of waste or waste constituents which could threaten human health or the environment.~~

~~"Debris waste" means wastes resulting from land clearing operations. Debris wastes include, but are not limited to stumps, wood, brush, leaves, soil, and road spoils.~~

~~"Demolition waste" means that solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction wastes.~~

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~~"Department" means the Virginia Department of Waste Management Environmental Quality.~~

~~"Director" means the director of the Department of Waste Management Environmental Quality.~~

~~"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.~~

~~"Disposal facility" means a facility or part of a facility at which waste is intentionally placed into or on any land or water, and at which the waste will remain after closure.~~

~~"Emergency permit" means a permit issued where an imminent and substantial endangerment to human health or the environment is determined to exist by the director.~~

~~"Energy recovery facility" means, for the purpose of this chapter, a facility that recovers energy from combustion or other thermal treatment of solid waste.~~

~~"Existing facility" means any permitted solid or infectious waste management facility that received waste prior to the effective date of this chapter and has not been closed in accordance with appropriate regulations.~~

~~"Facility" means solid or infectious waste management facility unless the context clearly indicates otherwise.~~

~~"Groundwater" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of the Commonwealth, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.~~

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~~"Incineration" means, for the purposes of this chapter, the controlled combustion of solid or infectious waste as defined in the Virginia Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) or Infectious Waste Management Regulations as applicable.~~

~~"Incinerator" means, for the purposes of this regulation, a facility or device designed for the treatment of solid or infectious waste by combustion as defined in the Virginia Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) or Infectious Waste Management Regulations.~~

~~"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.~~

~~"Industrial waste landfill" means a solid waste landfill used primarily for the disposal of a specific industrial waste or a waste which is a byproduct of a production process.~~

~~"Infectious waste" means solid wastes defined to be infectious wastes in Part III of the Virginia Infectious Waste Management Regulations.~~

~~"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill.~~

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~~"Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble or suspended degradation products of waste. Leachate and any material with which it is mixed is solid waste; except that leachate that is pumped from a collection tank for transportation to disposal in an off-site facility is regulated as septage, and leachate discharged into a waste water collection system is regulated as industrial waste water.~~

~~"Liner" means a layer of emplaced materials beneath or on the sides of a surface impoundment, landfill, or landfill cell which restricts the downward or lateral escape of solid waste, waste constituents or leachate.~~

~~"Materials recovery facility" means a solid waste management facility for the collection, processing and recovery of material such as metals from solid waste or for the production of a fuel from solid waste.~~

~~"Monitoring" means all methods, procedures and techniques used to systematically analyze, inspect and collect data on operational parameters of the facility or on the quality of air, groundwater, surface water, and soils.~~

~~"Monitoring wells" means a well point below the ground surface for the purpose of obtaining periodic water samples from groundwater for quantitative and qualitative analysis.~~

~~"New waste management facility" or "new facility" means, for the purposes of this chapter, a facility for which a permit was issued, or revoked and reissued, after the effective date of this chapter. (See also, existing waste management facility.)~~

~~"Notice of intent" means a statement from the applicant proposing to establish a new solid waste management facility, to modify an existing facility, or to amend an existing permit. The notice of intent shall include local government certification, any forms required by the Virginia Solid Waste Management Regulations, disclosure statement and all pertinent fees required by this chapter.~~

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~~"Operator" means the person responsible for the overall operation and site management of a solid or infectious waste management facility.~~

~~"Owner" means the person who owns a solid waste management facility or part of a solid or infectious waste management facility.~~

~~"Permit" means the written permission of the director to own, operate or construct a solid or infectious waste management facility.~~

~~"Permit by rule Permit-by-rule" means provisions of the chapter stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision.~~

~~"Permitted waste management facility (or permitted facility)" means a waste treatment, storage, or disposal facility that has received a permit in accordance with the requirements of appropriate regulations.~~

~~"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.~~

~~"Post-closure care" means the requirements placed upon solid waste disposal facilities after closure to ensure environmental and public health safety for a specified number of years after closure.~~

~~"Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Part V of the Virginia Solid Waste Management Regulations.~~

~~"Resource recovery" means the recovery of material or energy from solid waste.~~

~~"Resource recovery facility" means any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse.~~

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~~"Sanitary landfill" means an engineered land burial facility for the disposal of solid waste which is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.~~

~~"Site" means all land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid or infectious waste. (Note: This term includes all sites whether they are planned and managed facilities or are open dumps.)~~

~~"Solid waste" means any of those materials defined as "solid waste" in Part III of Virginia Solid Waste Management Regulations.~~

~~"Solid waste disposal facility" means a solid waste management facility at which solid waste will remain after closure.~~

~~"Solid waste management facility" ("SWMF") means a site used for planned treating, storing, and disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.~~

~~"Storage" means the holding of waste, at the end of which the waste is treated, recycled, disposed, or stored elsewhere.~~

~~"Storage facility" means any facility which stores waste.~~

~~"Training" means formal instruction, supplementing an employee's existing job knowledge, designed to protect human health and the environment via attendance and successful completion of a course of instruction in waste management procedures, including contingency plan implementation, relevant to those operations connected with the employee's position at the facility.~~

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~~"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous or infectious waste are held during the normal course of transportation.~~

~~"Transfer station" means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.~~

~~"Treatment" means any method, technique or process, including but not limited to incineration or neutralization, designed to change the physical, chemical or biological character or composition of any waste to neutralize it or to render it less hazardous or infectious, safer for transport, amenable to recovery, or storage or reduced in volume.~~

~~"Waste management" means the collection, source separation, storage, transportation, transfer, processing, treatment and disposal of waste or resource recovery.~~

**9 VAC 20-90-20. Authority for regulation. (Repealed.)**

~~These regulations are promulgated pursuant to § 10.1-1402-11 of the Code of Virginia which authorizes the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and powers and the intent of the Virginia Waste Management Act and the federal acts and § 10.1-1402-16 of the Code of Virginia which authorizes the board to collect, from any person operating or proposing to operate a sanitary landfill or other facility for the disposal, treatment, or storage of nonhazardous solid waste, permit application fees sufficient to defray only costs related to the issuance of permits.~~

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**9 VAC 20-90-30. Purpose of regulation.**

The purpose of ~~this regulation~~ *these regulations* is to establish schedules and procedures pertaining to the payment and collection of fees from any applicant seeking a new permit or seeking a modification or an amendment to an existing permit for operation of a solid or ~~infectious~~ *regulated medical* waste management facility in ~~this~~ *the Commonwealth of Virginia*. *These regulations also establish fees for the review of other permit-related documents required to be reviewed by the department.*

**9 VAC 20-90-40. Administration of regulation.**

A. The Virginia Waste Management Board promulgates and enforces regulations that it deems necessary to carry out its powers and duties.

B. The director is authorized and directed to administer ~~this regulation~~ *these regulations* in accordance with the Virginia Waste Management Act, §§ 10.1-1400 through 10.1-1457 of the Code of Virginia.

**9 VAC 20-90-50. Applicability of regulations.**

A. ~~This regulation applies~~ *These regulations apply* to all applicants for ~~solid or infectious waste management facility permits~~ *permit actions* under:

1. Part VII (9 VAC 20-80-480 through 9 VAC 20-80-620) of the Virginia Solid Waste Management Regulations ~~or~~;
2. Part ~~IX~~ X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the ~~Infectious~~ *Regulated Medical Waste* Management Regulations, ~~respectively, unless specifically exempt under 9 VAC 20-90-50 E.~~;
3. Part V (9 VAC 20-101-160 through 9 VAC 20-101-180) of the *Vegetative Waste Management and Yard Waste Composting Regulations*; or

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4. *Part V (9 VAC 20-85-170 through 9 VAC 20-85-180) of the Regulation Governing Management of Coal Combustion By-Products.*

The fees shall be assessed in accordance with Part III (9 VAC 20-90-70 through 9 VAC 20-90-120) of this chapter.

B. When the director finds it necessary to amend or modify any permit ~~under~~ *in accordance with § 10.1-1408.1 E or § 10.1-1409 of the Code of Virginia, 9 VAC 20-80-620 of the Virginia Solid Waste Management Regulations or §§ 9.14 and 9.15 Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Infectious Regulated Medical Waste Management Regulations*, as applicable, the holder of that permit shall be considered an applicant and shall be assessed a fee in accordance with 9 VAC 20-90-90 even if the director has initiated the amendment or modification action.

C. When the director finds it necessary to revoke and reissue any permit in accordance with *§ 10.1-1408.1 E or § 10.1-1409 of the Code of Virginia, 9 VAC 20-80-600 B 1 of the Virginia Solid Waste Management Regulations, or §§ 9.14 and 9.15 Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Infectious Regulated Medical Waste Management Regulations*, as applicable, the holder of that permit shall be considered an applicant for a new permit and shall be assessed a fee in accordance with 9 VAC 20-90-80.

D. If the director finds it necessary either to revoke and reissue a permit in accordance with *§ 10.1-1408.1 E or § 10.1-1409 of the Code of Virginia, 9 VAC 20-80-600 B 2 of the Virginia Solid Waste Management Regulations, or to perform a minor amendment or modification of a permit in accordance with 9 VAC 20-80-620 F of the Virginia Solid Waste Management Regulations, or § 9.17 Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the Infectious Regulated Medical Waste Management Regulations*, as

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applicable, the holder of that permit shall be considered an applicant and shall be assessed a fee in accordance with 9 VAC 20-90-100.

~~E. Exemptions. No permit application fees will be assessed to:~~

- ~~1. The applicant for an emergency permit to a nonhazardous solid or infectious waste treatment, storage, or disposal facility in accordance with applicable regulations.~~
- ~~2. The owners and operators of facilities which are deemed to possess a permit by rule in accordance with applicable regulations.~~
- ~~3. The applicants for solid and infectious waste management facility permits who have submitted to the department complete permit applications by July 1, 1990.~~

~~(NOTE: Transfer facilities regulated under the Infectious Waste Management Regulations do not require a permit and, consequently, are not subject to this chapter.)~~

**9 VAC 20-90-60. Payment, deposit, and use of fees.**

A. Due date.

1. Except as specified in ~~9 VAC 20-90-60-A subdivisions 2~~ [~~and~~] ~~9 VAC 20-90-60-A-3~~ [~~and 4~~] of this subsection, all permit ~~application~~ action fees are due on the day of application and must accompany the application.
2. Applicants for solid waste management permits shall submit the appropriate fee along with the certification from the local governing body and the disclosure statements at the time of the submittal of the notice of intent. *An applicant for a new facility shall submit appropriate Part A fees with the notice of intent, and submit the Part B action fee when the Part B application is submitted.*

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~~3. All applicants for a solid or infectious waste management facility permit or for a modification or amendment of an existing permit, not otherwise exempt under 9 VAC 20-90-50 E 3, who have submitted their application prior to the effective date of this chapter and who have not been issued such a permit or a modification or amendment to a permit by that date, shall submit the appropriate application fee within 60 days of the effective date of the regulation or by the effective date of the permit or the modification or amendment to the permit, whichever is sooner. Applicants who have received from the department an approval or a conditional approval of the Part A of their application prior to the effective date of this chapter need to submit only the fee for Part B of the application. Applicants for an emergency permit shall submit the permit action fee to the department within 60 days of submitting an application.~~

[4. For facilities entering the corrective action program, the fee for Corrective Action, Module XIV, is due upon submission of the proposal for presumptive remedy or assessment of corrective measures. If during the course of the corrective action program, modifications to the corrective action program are required, no additional fee will be assessed.]

B. Method of payment. Acceptable payment is cash or check ~~made~~ payable to the Commonwealth of Virginia, Department of ~~Waste Management~~ *Environmental Quality*.

C. Incomplete payments. All incomplete payments will be deemed nonpayments.

D. ~~Late Payment required.~~ No applications will be deemed to be complete ~~(see 9 VAC 20-80-500 C and D of the Virginia Solid Waste Management Regulations or § 9.2 C of the Infectious Waste Management Regulations)~~ until proper payment is received by the department. *The department shall not begin a review of an incomplete application unless the application is for an emergency permit. Nonpayment of fees will*

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*result in a processing delay. If the director is amending or revoking and re-issuing a permit for cause, nonpayment of fees may lead to termination of the permit.*

E. Deposit and use of fees. The department shall collect all fees pursuant to this chapter and deposit them into a special fund. ~~All moneys so collected by the department shall be used solely to defray the direct costs of processing solid waste management facility permit applications. No such moneys shall be used to defray indirect costs or otherwise be used except for the processing of solid waste management facility permit applications for use as described in § 10.1-1402.1 of the Code of Virginia.~~

~~(NOTE: With the exception of emergency permits and permits by rule under the Infectious Waste Management Regulations, the department cannot act on an incomplete application (see 9 VAC 20-80-500 C 2 and D 2 of the Virginia Solid Waste Management Regulations or § 9.2 C of the Infectious Waste Management Regulations). Nonpayment of fees will result in the processing delay and may lead to termination procedures in the case of permits being amended or revoked and reissued for cause.)~~

**9 VAC 20-90-70. General.**

A. Each application for a new permit, each application for a modification or amendment to a permit, and each revocation and issuance of a permit is a separate action and shall be assessed a separate fee. The amount of such fees is determined on the basis of this Part III (9 VAC 20-90-70 through 9 VAC 20-90-120).

B. The amount of the permit ~~application~~ *action* fee is based on the costs directly associated with the permitting program required by Part VII of the Virginia Solid Waste Management Regulations or Part ~~IX~~ X of the ~~Infectious~~ *Regulated Medical* Waste Management Regulations and includes costs for personnel and directly related public participation costs. The fee schedules are shown in ~~APPENDIX 3.1. These~~

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~~schedules will be reevaluated annually and the results of such reevaluations will be used to recommend to the Virginia Waste Management Board the necessary adjustments, if any 9 VAC 20-90-120 as Tables 3.1-1, 3.1-2, 3.1-3, and 3.1-4.~~

*C. Fees in Column 3 of the tables in 9 VAC 20-90-120 have been adjusted to the Consumer Price Index for All Urban Consumers (CPI-U, 1982-84 = 100) for ~~August 2002~~ February 2003 (published monthly by the U.S. Bureau of Labor Statistics, Washington, D.C. 20212, <http://www.bls.gov>), rounded to the nearest \$10 increment.*

*D. In addition to permit action fees listed in Tables 3.1-1, 3.1-2, 3.1-3 and 3.1-4 of 9 VAC 20-90-120, the applicant for a permit action shall arrange for the newspaper publication and radio broadcast and bear the cost of the publication and broadcast if required. The department shall send notification to the applicant that the publication and broadcast are required, and the notification shall include the text of the notice, dates of publication and broadcast, and the acceptable newspapers and radio stations wherein the notice may be published. The department shall also require the petitioner for a variance from any regulation to arrange for any newspaper publication and radio broadcast required under the Virginia Solid Waste Management Regulations (9 VAC 20-80) or the Regulated Medical Waste Management Regulations (9 VAC 20-110) and to bear the cost of such publication and broadcast. The department may arrange for the newspaper publication and radio broadcast listed in this subsection and require the applicant to remit the cost of such publication and broadcast.*

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**9 VAC 20-90-80. New facility ~~permits~~ *permit issuance or action.***

All applicants for new ~~nonhazardous~~ solid and ~~infectious~~ *regulated medical* waste treatment, storage, and disposal facility permits are assessed an appropriate fee shown in Table 3.1-1, ~~APPENDIX 3.1~~ which ~~depends of 9 VAC 20-90-120~~ depending on the type of facility permit being applied for or permit action.

*Applicants for an emergency permit are assessed a fee shown on Table 3.1-1 of 9 VAC 20-90-120 unless the director determines that a lesser fee is appropriate at the time the permit is issued.*

(NOTE: Certain solid waste management facility permit amendments are so extensive that they require issuance of new permits (see 9 VAC 20-80-480 C of the Virginia Solid Waste Management Regulations). Such applications will be considered to be applications for new facilities.)

**9 VAC 20-90-90. Applications for permit *actions*, amendment or modification.**

A. General. Facility permits issued by the ~~department~~ *director* are typically based on the modular concept to assure completeness and consistency of the documents. Each facility permit may consist of several modules dealing with the requirements addressing separate topics pertinent to the specific facility. The modules used in the ~~nonhazardous~~ solid and ~~infectious~~ *regulated medical* waste program are:

1. *The* general permit conditions module (Module I) that contains the general conditions required for all solid or ~~infectious~~ *regulated medical* waste facility permits and includes documents to be submitted prior to operation, documents that must be maintained at the facility, and a compliance schedule, if any.
2. *The* general facility requirements module (Module II) that contains the listing of wastes that the facility may accept or a list of wastes prohibited from acceptance, *an* analysis plan, security and site access *information*, inspection requirements, personnel training requirements, special standards based on

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particular location, a preparedness and prevention plan, a contingency plan, closure and post-closure cost estimates, and facility-specific financial assurance requirements.

3. *The separate facility modules, one for each of the different type of facility provided for in Parts V and VI of the Virginia Solid Waste Management Regulations, ~~that contain~~ containing* design requirements (e.g., liners, leachate management systems, aeration systems, wastewater collection systems), specific operating requirements (e.g., compaction and cover requirements, equipment, monitoring), and recordkeeping requirements. The following modules have been developed:

- a. Module III - Sanitary landfills;
- b. Module IV - Construction/demolition/debris landfill;
- c. Module V - Industrial landfill;
- d. Module VI - Compost facility;
- e. Module VII - Transfer station;
- f. Module VIII - Materials recovery facility; and
- g. Module IX - Energy recovery and incineration facility.

4. *All gas management plans submitted for review (Module III, ~~IV~~ IV, or V) will be assessed a fee as listed in Table 3.1-2 or 3.1-3 of 9 VAC 20-90-120.*

~~4.~~ 5. *The groundwater monitoring modules ~~that~~ contain requirements for well location, installation, and construction, listing of monitoring parameters and constituents, sampling and analysis procedures, statistical procedures, data evaluation, recordkeeping and reporting, and special requirements when significant increases occur in monitoring parameters. Module X is designed specifically for Phase I or*

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detection] monitoring and Module XI for Phase II [~~or III~~ or assessment] monitoring. [If groundwater protection standards are being established for facilities without Modules X and XI, then both Modules X and XI will be issued for the major modification fee. However, for facilities with Module X already included in their permit, the major modification fee will be assessed to add Module XI.]

~~5.~~ 6. *The closure module (Module XII), included in all permits that, contains requirements for actions during the active life of the facility (updating plan), during the closure process, and after the closure has been performed. Facilities required to submit a closure plan in accordance with §§ 10.1-1410.1 and 10.1-1410.2 A 1 of the Code of Virginia will be assessed a fee for Module XII as listed in Table 3.1-2 of 9 VAC 20-90-120.*

~~6.~~ 7. *The post-closure module (Module XIII), included in solid waste disposal facility permits that, contains requirements during the post-closure period and for periodic updating of the post-closure plan. Facilities required to submit a post-closure plan in accordance with § 10.1-1410.2 of the Code of Virginia will be assessed a fee for Module XIII as listed in Table 3.1-2 of 9 VAC 20-90-120.*

~~7.~~ 8. *The schedule for compliance for corrective action (Module XIV) is used when facility groundwater monitoring results indicate ~~contamination~~ groundwater protection standards have been statistically exceeded.*

~~8.~~ 9. *The leachate handling module (Module XV), included in solid waste disposal facility permits that, contains requirements for storage, treatment and disposal of leachate generated by the facility.*

~~(NOTE: Appropriate modules for infectious waste storage and treatment facilities (other than incineration) have not been developed as yet.)~~

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*10. The regulated medical waste storage module (Module XVI) and regulated medical waste treatment module (Module XVII) have been developed for facilities storing and/or treating regulated medical waste.*

B. Applicants for a modification or amendment of an existing permit will be assessed a fee associated with only those modules that will require changes. In situations where the modular concept is not employed (for example, changes ~~have been~~ incorporated directly into an ~~older~~ [a] *nonmodular* permit), fees will be assessed as appropriate for the requirements stipulated for modules in ~~9 VAC 20-90-90~~ subsection A of *this section* had they been used.

C. Applicants for a modification or amendment or subject to revocation and reissuance of an existing permit will be assessed a separate public participation fee whenever the modification or amendment requires a public hearing.

D. The fee schedules for [~~the modification or amendment or subject to revocation and reissuance of an existing permit~~ major permit actions, amendments, or modifications] are shown in Table 3.1-[~~2~~]; ~~APPENDIX 3.1~~ of 9 VAC 20-90-120.

E. In no case will the fee for a modification ~~or~~, amendment or revocation and reissuance of a permit be higher than that for a new facility of the same type.

**9 VAC 20-90-100. Minor action, amendments or modifications.**

Notwithstanding the provisions of 9 VAC 20-90-90, an applicant for a minor amendment or modification *or minor permit action* of an existing facility permit based on 9 VAC 20-80-620 F of the Virginia Solid Waste Management Regulations or ~~§ 9.17~~ Part X (9 VAC 20-120-680 through 9 VAC 20-120-830) of the

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~~Infectious~~ *Regulated Medical Waste Management Regulations* will be assessed a fee shown in Table 3.1-3, ~~APPENDIX 3.1~~ of 9 VAC 20-90-120.

**9 VAC 20-90-110. Review of variance requests.**

*Applicants requesting variances from the Virginia Solid Waste Management Regulations (9 VAC 20-80), the Regulated Medical Waste Management Regulations (9 VAC 20-110), or the Regulation Governing Management of Coal Combustion By-Products (9 VAC 20-85) will be assessed a fee as shown in Table 3.1-4 of 9 VAC 20-90-120. All variance requests are subject to base fees. Additional fees are listed for reviews of specific types of variance requests and are to be submitted in addition to base fees. For example, a variance request for an alternate liner design would require submission of the base fee in addition to the fee associated with the review of the alternate liner system design. Variance requests are not subject to public participation fees listed in Table 3.1-2 of 9 VAC 20-90-120.*

**~~APPENDIX 3.1~~ 9 VAC 20-90-120. Permit application fee schedules.**

The effective date of this Appendix is June 8, 1992.

TABLE 3.1-1. NEW FACILITIES OR INITIAL ISSUANCE OR ACTION

TYPE OF FACILITY	FEE
All landfills	
Part A application	\$3,200
Part B application	\$14,300

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Incineration/Energy Recovery Facility	\$4,500
<del>Transfer Station, Materials Recovery Facility, Infectious Waste Storage Facility, Infectious Waste Treatment Facility</del>	\$3,300
Compost Facility	
Part A application	\$1,600
Part B application	\$8,100
Experimental Solid Waste Facility	(Reserved) <sup>†</sup>

TYPE OF FACILITY	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
All landfills:		
Part A application	\$9,600	[ <del>\$4,120</del> \$4,180]
Part B application	\$42,900	[ <del>\$18,430</del> \$18,680]
Incineration/Energy Recovery Facility	\$13,500	[ <del>\$5,800</del> \$5,880]
Transfer Station, Materials Recovery Facility, Regulated Medical	\$9,900	[ <del>\$4,250</del>

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<i>Waste Storage Facility, or Regulated Medical Waste Treatment Facility</i>		<u>\$4,310</u>
<i>Compost Facility</i>		
<del>[Part A application]</del> <u>Facilities Processing Category I Waste</u>		<del>[\$2,060]</del>
	<del>[\$4,800]</del> <u>\$29,100</u>	<u>\$6,850</u>
<del>[Part B application]</del> <u>Facilities Processing Waste Categories I or II, or Categories II and Lower</u>	<del>[\$24,300]</del>	<del>[\$10,440]</del>
	<u>\$29,100</u>	<u>\$8,440</u>
<u>[Facilities Processing Waste Categories I,II, or III, or Categories III and Lower]</u>	<u>[\$29,100]</u>	<u>[\$10,550]</u>
<u>[Facilities Processing Waste Categories I,II,II, or IV, or Categories IV and Lower]</u>	<u>[\$29,100]</u>	<u>[\$12,670]</u>
<i>Experimental Solid Waste Facility</i>		<del>[\$2,060]</del>
	<i>Reserved<sup>1</sup></i>	<u>\$2,090</u>
<i>Permit-by-rule Initial Review and Confirmation</i>		<u>\$390</u>
<i>Emergency Permit</i>		<del>[\$2,280]</del>
		<u>\$2,310</u>

<sup>1</sup> Indicates insufficient experience at the present time to determine proper fee. Should an application for such a facility be received, the lowest fee in the table will be assessed.

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TABLE 3.1-2. MAJOR PERMIT ACTIONS, AMENDMENTS OR MODIFICATIONS

TYPE OF PERMIT MODULE	FEE
<del>General—Module I</del>	<del>\$300</del>
<del>Facility—Module II</del>	<del>\$1,000</del>
<del>Landfill—Module III, IV, or V</del>	<del>\$5,400</del>
<del>Design plan review</del>	<del>\$700</del>
<del>Liner design review</del>	<del>\$1,500</del>
<del>Leachate system review</del>	<del>\$1,000</del>
<del>Gas management plan review</del>	<del>---</del>
<del>Drainage plan review</del>	<del>\$700</del>
<del>Cover design review</del>	<del>\$1,400</del>
<del>Equipment</del>	<del>---</del>
<del>Compost facility—Module VI</del>	<del>\$2,800</del>
<del>Design plan review</del>	<del>\$500</del>
<del>Liner design review</del>	<del>\$1,000</del>
<del>Leachate system review</del>	<del>\$700</del>
<del>Air supply system review</del>	<del>---</del>
<del>Drainage plan review</del>	<del>\$500</del>
<del>Equipment</del>	<del>---</del>
<del>Transfer station—Module VII</del>	<del>\$900</del>
<del>Material recovery facility—Module VIII</del>	<del>\$1,200</del>

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Waste supply analysis	\$500
Waste management areas	\$400
Wastewater management areas	\$300
Incinerator/Energy recovery facility – Module IX	\$2,300
Waste and residue storage	\$700
Operational requirements	\$1,200
Waste control procedures	\$400
Groundwater monitoring – Module X or XI	\$2,500
Well placement	\$1,000
Materials and specifications	\$300
Sampling plan	\$1,200
Well abandonment	---
Closure – Module XII	\$300
Post-closure – Module XIII	\$300
Corrective action – Module XIV	(Reserved)
Leachate handling – Module XV	(Reserved)
Infectious waste storage facility – Module XVI	(Reserved)
Infectious waste treatment facility – Module XVII	(Reserved)
Public participation	\$800

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<i>TYPE OF PERMIT MODULE</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>FEE</i>	
	<i>July 1, 2003, through June 30, 2004</i>	<i>July 1, 2004, and thereafter</i>
<i>Landfill Part A</i>		<del>[\$4,120]</del> \$4,180
<i>General - Module I</i>	\$900	\$390
<i>Facility - Module II</i>		<del>[\$1290]</del> \$1,310
<i>Landfill - Module III, IV, or V</i>		<del>[\$6,960]</del> \$7050
<i>Design plan review</i>	\$2,100	<del>[\$900]</del> \$910
<i>Liner design review</i>		<del>[\$1,930]</del> \$1,960
<i>Leachate system review</i>		<del>[\$1,290]</del> \$1,310
<i>Gas management plan review</i>		<del>[\$1,680]</del> \$1,700
<i>Drainage plan review</i>	\$2,100	<del>[\$900]</del> \$910
<i>Cover design review</i>	\$4,200	<del>[\$1,800]</del>

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		<u>\$1,830</u>
<i>Equipment</i>		\$390
<i>Compost facility - Module VI</i>		<del>[\$3,610]</del>
	\$8,400	<u>\$3,660</u>
<i>Design plan review</i>	\$1,500	<del>[\$640 \$650]</del>
<i>Liner design review</i>		<del>[\$1290]</del>
	\$3,000	<u>\$1,310</u>
<i>Leachate system review</i>	\$2,100	<del>[\$900 \$910]</del>
<i>Drainage plan review</i>	\$1,500	<del>[\$640 \$650]</del>
<i>Equipment</i>		\$390
<i>Transfer station - Module VII</i>		<del>[\$1,160]</del>
	\$2,700	<u>\$1,180</u>
<i>Material recovery facility - Module VIII</i>		<del>[\$1,550]</del>
	\$3,600	<u>\$1,570</u>
<i>Waste supply analysis</i>	\$1,500	<del>[\$640 \$650]</del>
<i>Waste management areas</i>	\$1,200	\$520
<i>Wastewater management areas</i>	\$900	\$390
<i>Incinerator/Energy recovery facility - Module IX</i>		<del>[\$2,960]</del>
	\$6,900	<u>\$3,000</u>
<i>Waste and residue storage</i>	\$2,100	<del>[\$900 \$910]</del>
<i>Operational requirements</i>	\$3,600	<del>[\$1,550]</del>

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		<u>\$1,570</u>
<i>Waste control procedures</i>	\$1,200	\$520
<i>Groundwater monitoring - Module X or XI</i>		<del>[\$3,220]</del>
	\$7,500	<u>\$3,260</u>
<i>Well placement</i>		<del>[\$1,290]</del>
	\$3,000	<u>\$1,310</u>
<i>Materials and specifications</i>	\$900	\$390
<i>Sampling plan</i>		<del>[\$1,550]</del>
	\$3,600	<u>\$1,570</u>
<i>Closure - Module XII</i>	\$900	\$390
<i>Post-closure - Module XIII</i>	\$900	\$390
<i>Corrective action - Module XIV</i>		<del>[\$22,560]</del>
	<i>Reserved</i>	<u>\$22,860</u>
<i>Leachate handling Module XV</i>		<del>[\$1,290]</del>
	<i>Reserved</i>	<u>\$1,310</u>
<i>Regulated medical waste storage facility - Module XVI</i>	<i>Reserved</i>	\$390
<i>Regulated medical waste treatment facility - Module XVII</i>	<i>Reserved</i>	\$390
<i>Permit-by-rule Modification Review and Confirmation</i>		\$390
<i>Public participation (does not include costs of newspaper advertisements or radio broadcasts)</i>	\$2,400	<del>[\$1,030]</del>
		<u>\$1,040</u>

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TABLE 3.1-3. MINOR PERMIT ACTIONS, AMENDMENT OR MODIFICATION

TYPE OF PERMIT MODULE	FEE
Minor amendment or modification	\$300

TYPE OF PERMIT MODULE	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
Minor amendment or modification (excluding Gas Management Plans)	\$900	\$390
Gas Management Plans		[\$1,680 \$1,700]

TABLE 3.1-4. VARIANCE REQUESTS

Type of Variance	Column 2	Column 3
	FEE	
	July 1, 2003, through June 30, 2004	July 1, 2004, and thereafter
Base fee for all variances		\$390

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<i>Supplemental fees based on variance type</i>		
<i>Exemption from classification as a solid waste</i>		\$520
<i>Variance to permitting requirements</i>		
<i>Siting requirements</i>		\$520
<i>Facility design (other than alternate liner design)</i>		\$520
<i>Operational requirements</i>		---
<i>Groundwater monitoring (other than groundwater protection [levels standards] and location of monitoring system)</i>		<del>[\$900]</del> \$920
<i>Closure requirements</i>		---
<i>Post-closure requirements</i>		---
<i>Groundwater Protection Standards</i>		---
<i>Alternate liner system design</i>		<del>[\$1,540]</del> \$1,570
<i>Location of groundwater monitoring system</i>		<del>[\$900]</del> \$920

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Certified True and Accurate: \_\_\_\_\_

Robert G. Burnley, Director, DEQ

Date: \_\_\_\_\_